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FAX TRANSMISSION**DATE:** October 25, 2006**PTO IDENTIFIER:** Application Number 10/573,435
Patent Number**Inventor:** Volker Leimbach et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** DARBY & DARBY P.C.

Erik R. Swanson

PHONE: (212) 527-7700**Attorney Dkt. #:** 20793/0204534-US0**PAGES (Including Cover Sheet):** 6**CONTENTS:**Certificate of Transmission (1 page)
Power of Attorney to Prosecute Application Before the USPTO (1 page)
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PTO/SB/97 (09-06)

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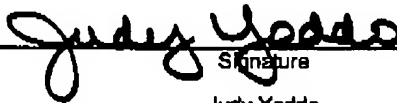
Application No. (if known): 10/573,435

Attorney Docket No.: 20793/0204534-US0

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Power of Attorney to Prosecute Application Before the USPTO (1 page)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Leica Microsystems CMS GmbH

Application No./Patent

No./Control No.:

10/573,435

Filed/Issue Date:

March 27, 2006Entitled: 4PI MICROSCOPELeica Microsystems CMS GmbH

(Name of Assignee)

, a

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
(The extent (by percentage) of its ownership interest is _____ %)

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a true copy of the original assignment is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.06]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Date

Erik R. Swanson

(212) 527-7700

Printed or Typed Name

Telephone Number

Registration Number 40,833

Title

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OCT 25 2006

ASSIGNMENT

Docket No.: 5005.1110

WHEREAS, I (We), Volker LEIMBACH, residing at Nachtigalstrasse 71, 67065 Ludwigshafen, Germany; and Reiner RYGIEL, residing at Ziegeleistrasse 123, 67122 Altrip, Germany; ASSIGNOR(S), have invented certain new and useful improvements in **4PI MICROSCOPE**, an application for a Patent of the United States (for) which:

☐ I (we) am (are) about to execute;
☐ was executed on _____ (date(s));
☒ is identified by Davidson, Davidson & Kappel, LLC, Docket No. 5005.1110;
☐ was filed on _____ Serial No. _____
☒ I (we) hereby authorize and request our attorney, Davidson, Davidson & Kappel, LLC of 485 Seventh Avenue, 14th Floor, New York, New York 10018 to insert here in parentheses (Application number _____, filed _____) the filing date and application number of said application when known; and

WHEREAS, Leica Microsystems CMS GmbH, Ernst-Leitz-Strasse 17-37, 35578 Wetzlar, Germany, ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me (us) in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I (we), the said ASSIGNOR(S), have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and

I (WE) HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument; and



I (WE) HEREBY covenant and agree that I (we) have full right to convey the entire interest herein assigned, and that I (we) have not executed, and will not execute, any agreement in conflict herewith; and

ASSIGNMENT

Docket No.: 5005.1110

I (WE) HEREBY further covenant and agree that I (we) will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I (we) hereunto set my (our) hand(s) and seal(s) the day and year set opposite my (our) signature(s).

Dated: March 7, 2006
Volker LEIMBACHDated: March 7, 2006
Reiner RYGIEL